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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,768

08/05/2005

Tony Roberts

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757 7590 12/11/2008  
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EXAMINER

AMORES, KAREN J

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,768	<b>Applicant(s)</b> ROBERTS ET AL.	
	<b>Examiner</b> KAREN AMORES	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-10,14-21 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,14-21 and 24-27 is/are allowed.
- 6) ☒ Claim(s) 2,3,5-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. Acknowledgment is made of Applicants' amendment to the claims dated 26 November 2008 and will be entered in the file.

### ***Allowable Subject Matter***

2. The indicated allowability of claim 3 is withdrawn in view of the closer review of reference(s) Tesch et al. U.S. 2002/0175502 ("Tesch"). Rejections based on the cited reference(s) follow.

3. Claims 9, 14 – 21, 24 – 27 are allowed.

### ***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 3, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tesch. Tesch discloses a safety device (50) for a motor vehicle (10) comprising an inflatable curtain (40) having an upper edge (43) and a lower edge (46), the upper edge being adapted to be mounted (41) to the motor vehicle within the interior of the motor vehicle, a first portion of elongate flexible element (segment 54-62-left 68) being attached to (54) and extending from the inflatable curtain, a second portion of elongate flexible element (segment 68-68) being attached to and extending from the inflatable curtain, wherein the first and second portions of elongate flexible element are attached to the inflatable curtain at a common point (left 68), the first

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portion of elongate flexible element incorporating a slide member (62 or 68) adapted to slidably retain a length (fixed segment 68-68) of the second portion of elongate flexible element whereby, upon deployment of the inflatable curtain, the first and second portions of elongate flexible element are placed in tension, which exerts tension of the inflatable curtain.

6. In reference to claim 2, 5, and 8, Tesch further discloses the first and second portions of elongate flexible element are separate segments of a single elongate flexible element (50); wherein the slide member is in the form of a rigid ring (62 or 68); and wherein both of the first and the second portions of elongate flexible element are substantially inextensible [0029].

### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesch in view of Bakhsh et al. U.S. 2004/0100073 (“Bakhsh”). Tesch does not disclose at least one of the first or second portions of elongate flexible element is elastic. Bakhsh teaches a first or second portion of elongate flexible element is elastic [0048]. Bakhsh further teaches that at least one of the portions is capable of being elastic. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Thomas such that it comprised a first or second portion of elongate flexible element as elastic in view of the teachings of Bakhsh so as to help guide and position the curtain [0048] with additional tension in a method old and well known in the art.

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9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tesch in view of Heigl et al. U.S. 6,241,277 ("Heigl"). Tesch does not disclose at least one point of attachment between the first portion of elongate flexible element, second portion of elongate flexible element, and the inflatable curtain is in the form of an elastic connection. Heigl teaches a point (16c) of attachment between the first portion of elongate flexible element and the second portion of elongate flexible element is in the form of an elastic connection. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Tesch such that it comprise a point of attachment between the first and second portions of elongate flexible element as an elastic connection in view of the teachings of Heigl so as to operate as an energy source creating tension (column 3, line 17).

### *Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571)-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAREN AMORES  
Examiner  
Art Unit 3616

/K. A./  
Examiner, Art Unit 3616

/Toan C To/  
Primary Examiner, Art Unit 3616